

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RIZZARI CONSTRUCTION,

Plaintiff,

v.

GRANITE INDUSTRIAL GASES,
INC., AND TODD MILLER,

Defendants.

Civil Action No.: 05cv10434(GAO)
Magistrate Judge Alexander

DEFENDANTS' ASSENTED-TO MOTION TO CONTINUE STATUS CONFERENCE

NOW COME Defendants, Granite Industrial Gases, Inc. and Todd Miller, together with the assent of the Plaintiff, Rizzari Construction, and move to continue the Status Conference presently scheduled for September 13, 2006. As grounds for this assented-to motion, Defendants state as follows:

1. Defendants' primary counsel, Timothy Bray, has a personal obligation on the afternoon of September 13, 2006, relating to the pregnancy of his spouse. Unfortunately, other counsel appearing in this matter for Defendants have professional obligations on that date and time and will not be able to cover the Status Conference.

2. As Plaintiff has given its assent to the continuing of the Status Conference, and no trial date has been set in this matter, a continuance will not prejudice any party.

3. As of this date, there have been no controversies among counsel that have required judicial intervention.

WHEREFORE, Defendants, together with Plaintiff's assent, hereby requests this Honorable Court grant a continuance of the Status Conference.

Defendants,
GRANITE INDUSTRIAL GASES, INC.
and TODD MILLER;
By their attorneys

/s/ Timothy E. Bray
George R. Moore, BBO #656102
Timothy E. Bray, BBO #652398
DEVINE, MILLIMET & BRANCH, P.A.
300 Brickstone Square, P.O. Box 39
Andover, MA 01810
(978) 475-9100

Assented-to by:

Plaintiff,
RIZZARI CONSTRUCTION,
By its attorneys,

/s/ Richard P. Heartquist
Richard P. Heartquist, BBO #564451
200 Sutton Street, Suite 244
North Andover, MA 01845
(978) 687-6664

CERTIFICATE OF SERVICE

I, Timothy E. Bray, hereby certify that a copy of the foregoing document was sent to Attorney Richard P. Heartquist, 200 Sutton Street, Suite 244, No. Andover, MA 01845, by e-mail via CM/ECF on September 11, 2006.

/s/ Timothy E. Bray
Timothy E. Bray, BBO #652398